

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

McAFEE, INC.

Plaintiff,

v.

WILMER, CUTLER, PICKERING, HALE
AND DORR, L.L.P

Defendant.

JURY REQUESTED

No. 408-cv-160

**PLAINTIFF MCAFEE, INC.'S AMENDED MOTION FOR LEAVE TO FILE
SUPPLEMENTAL RESPONSE TO DEFENDANT'S MOTION TO DISMISS**

COMES NOW, McAfee, Inc. ("Plaintiff") and files this, Motion for Leave to File Supplemental Response to Defendant's Motion to Dismiss and shows as follows:

1. Defendant filed its Motion to Dismiss under Rules 12(b)(1), (3),(6),(7), and 9(b) and Request for Oral hearing on June 9, 2008.
2. Pursuant to Eastern District Local Rule CV-7(e) Plaintiff's deadline to file a response is June 24, 2008.
3. Due to a clerical error Plaintiff's response date was not calendared correctly. This error was discovered on the eve of Plaintiff's deadline.
4. Plaintiff has filed a response. However, given the calendaring error additional time is needed to adequately respond to Defendant's Motion. Plaintiff respectfully requests seven (7) days from the date the Court rules on this Motion in which to file a supplemental response.
5. This request for leave is due to excusable neglect and this request is brought in good faith. Defendant will not be prejudiced by this extension.

Respectfully submitted,

/s/ Martin E. Rose

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**ATTORNEYS FOR PLAINTIFF
MCAFEE, INC.**

CERTIFICATE OF CONFERENCE

On June 25, 2008 I spoke with Shawn Bates, counsel for the Defendant, regarding the merits of this Motion and he indicated that he was opposed to the Motion. Therefore, the Motion is being submitted to the Court for consideration.

/s/ Lynda Lee Weaver

CERTIFICATE OF SERVICE

I hereby certify that the following counsel of record are being served today, June 25, 2008, with a copy of the foregoing, via email and certified mail.

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/s/ Martin E. Rose

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